

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

HENRY ERIC ROUTON,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 1:23cv224
)	
ARMOR CORRECTIONAL)	
HEALTH SERVICES, INC., et al.)	
)	
Defendants.)	

**DEFENDANTS DR. ERIC YANCEY AND CANDACE DUCK-TRIPPLETT’S
MOTION TO DISMISS**

COME NOW Defendants Eric Yancey, MD (identified by Plaintiff as “Yancey”), and Candace Duck-Tripplett, LPN (identified by Plaintiff as “Tripplett”) (collectively “these Defendants”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and other applicable law and move this Honorable Court to enter an Order dismissing with prejudice Plaintiff’s Complaint against them because it fails to state a claim upon which this Court may grant relief as to these Defendants. To support this Motion, these Defendants rely upon their contemporaneously filed Memorandum in Support.

“ROSEBORO NOTICE”

Pursuant to Local Civil Rule 7(K) and *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), undersigned counsel advises plaintiff of the following:

- (1) Plaintiff is entitled to file a response opposing the motion; any such response must be filed within twenty (20) days of the date on which this Motion to Dismiss was filed.

(2) The Court could dismiss the action on the basis of Defendant's moving papers if plaintiff does not file a response.

(3) Plaintiff must identify all facts stated by Defendants with which the plaintiff disagrees and must set forth the plaintiff's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury).

(4) Plaintiff is also entitled to file a legal brief in opposition to the one filed by the defendants.

Date: July 20, 2023

Respectfully submitted,

**CANDACE DUCK-TRIPLETT, LPN
ERIC YANCEY, MD**

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of July, 2023, I electronically filed the foregoing pleading using the CM/ECF System, which will send notifications of the filing to all counsel of record.

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